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1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 7 FOR THE NORTHERN DISTRICT OF CALIFORNIA 8 9 10 PHILIP J. FEINER, JR., No. C 04-04472 WHA 11 Plaintiff, 12 v. STIPULATION AND ORDER TO CONTINUE DISCOVERY 13 CITY OF AMERICAN CANYON, JAMES **CUT-OFF DATE** CANNON, ROBERT PONTELLE, MARK 14 JOSEPH, ROBERT SCHWERIN, and DOES 1 through 25, inclusive, 15 Defendants. 16

Plaintiff and defendants through their undersigned counsel hereby stipulate as follows:

- 1. The case management order in this matter specifies that the cut-off date for non-expert discovery shall be August 26, 2005.
- 2. Plaintiff has propounded written discovery to which defendants have responded and defendants have also provided documents and other information requested by plaintiff on an informal basis. However, the parties have been unable to schedule all of the depositions sought by the parties prior to the close of non-expert discovery. Plaintiff's counsel has been out of his office because of depositions in other cases and the attorney assigned to handle this matter on behalf of defendants is currently unavailable due to her vacation.

3. The parties request a brief extension of the cut-off for non-expert	
discovery to September 23, 2005 for the purpose of completing depositions. The	
parties do not request any other change to the court's case management order.	
4. This stipulation is being filed electronically by counsel for Plaintiff.	
Pursuant to General Order 45, Sec. X. B., the undersigned counsel for Plaintiff attes	ts
that counsel for Defendants concurs in this stipulation.	

Dated: August 4, 2005

ERICKSON BEASLEY HEWITT & WILSON LLP

By______/S/_______

Todd Boley

Attorneys for Plaintiff
Philip J. Feiner, Jr.

Dated: August 4, 2005

LEPPER & HARRINGTON

By_____/S/______

Gary Lepper

Attorney for Defendants
City of American Canyon, James Cannon, Robert
Pontelle, Mark Joseph, and Robert Schwerin

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED that the case management order be amended to extend the cutoff date for non-expert discovery to **SEPTEMBER 23, 2005**, for the sole purpose of completing depositions.

IT IS SO ORDERED.

Dated: August 15, 2005.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE